IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.943 OF 2004
IN
NOTICE OF MOTION NO.4275 OF 2004
IN
L.C. SUIT (STAMP) NO.4752 OF 2004

Bhogilal R.Gala and another).. Appellants

versus

Municipal Corporation of Greater Bombay and others).. Respondents

Mr.Manish Mistry i/b.Mr.M.P.Vashi for the Appellants.

Mr.J.Xavier for Respondent Nos.1 and 2.

Mr.Narayan Sahu i/b.S.K.Srivastava for Respondent Nos.3 and 4.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 2ND NOVEMBER 2004

P.C. :

. This Appeal From Order has been preferred against an order dated 19th October 2004 under which the ad-interim relief sought for by the Appellants has been refused. By the Notice of Motion, the Appellants had sought a direction to the Municipal Corporation to grant temporary permission for the erection of a tarpaulin shed to enable the Appellants to carry on the business at the suit site. The injunction was also sought against the Corporation from disconnecting the water supply and its electricity meter at the suit site. A further injunction was sought against all the Defendants

from disturbing the possession of the Plaintiffs.

2. The trial Court has observed that despite such temporary injunction being sought, the Plaintiffs have not shown any right to be in the suit premises. Furthermore, it appears that the structure was demolished on 30th August 2004. The Appellants have not challenged either the notice issued or the demolition which was effected on 30th August 2004. A criminal prosecution is also pending against the Appellants. In such circumstances, I do not see any reason to differ with the view taken by the trial Court of not granting any ad-interim injunction. Appeal dismissed.